

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10
11

12 LEONARD EVANS,
13 Plaintiff,

14 v.

15 WELLS FARGO BANK, N.A.,
16 Defendant.
17

Case No.: 13-cv-2371 JSC

DISMISSAL ORDER

18
19
20 In this civil action, Plaintiff Leonard Evans sues Wells Fargo Bank, N. A., Inc. for
21 injunctive and declaratory relief seeking to stay a foreclosure sale of his deceased mother's
22 home. On August 8, 2013, the Court granted Defendant's motion to dismiss the complaint for
23 lack of subject matter jurisdiction as Plaintiff lacked legal authority over the subject property.
24 (Dkt. No. 24.) At oral argument, Plaintiff indicated that although he does not presently have
25 such legal authority, his mother's estate is in probate and he expects to be legally appointed as
26 the administrator of his mother's estate forthwith. The Court therefore dismissed the
27 complaint with leave to amend within 45 days. Plaintiff failed to amend his complaint within
28 the time allowed and Defendant has moved to dismiss pursuant to Federal Rule of Civil

1 Procedure 41(b); Plaintiff has not filed an opposition to the motion and has not otherwise
2 communicated with the Court.

3 Accordingly, the Court hereby DISMISSES this action without prejudice. The
4 dismissal is without prejudice as Plaintiff previously appeared and evidenced an intent to
5 prosecute this action. *See* Fed. R. Civ. P. 41(b).

6
7 **IT IS SO ORDERED.**

8 Dated: October 25, 2013



JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE